IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE K.R.UDAYABHANU

TUESDAY, THE 26TH JUNE 2007 / 5TH ASHADHA 1929

CRL.A.No. 829 of 1999()

(C.C. NO 603/1998 OF THE JUDICIAL FIRST CLASS MAGISTRATE COURT, TRIVANDRUM. DT.18.9.99.
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APPELLANT: COMPLAINANT

INTEGRATED FINANCE CO.LTD., THIRUVANANTHAPURAM BRANCH, KARIMPANAL STATUE AVENUE, STATUE THIRUVANANTHAPURAM, REP.BY ITS AREA MANAGER SHAJI MONI.

BY ADV. SRI.M.BALAGOVINDAN

RESPONDENTS: ACCUSED
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1. **STATE OF KERALA, REP.BY THE PUBLIC PROSECUTOR , HIGH COURT OF KERALA, ERNAKULAM.**

2. **M.SHABEER, MANGULAM TRAVELS, ADARSHA NAGAR, PATTOM P.O., THIRUVANANTHAPURAM.**

BY ADV. SRI.T.G.RAJENDRAN
BY PUBLIC PROSECUTOR SRI.C.K.SURESH

THIS CRIMINAL APPEAL HAVING BEEN FINALLY HEARD ON 26/06/2007, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

K.R. UDAYABHANU, J.

Crl. A. No.829 of 1999

Dated 26th June, 2007

JUDGMENT

The appellant is the complainant in C.C. No.603/1998, the proceedings initiated under section 138 N.I Act which happened to be dismissed as he could not appear before the court below and the accused acquitted under section 256 (1) Cr.P.C. It is submitted that the non appearance was on account of the wrong noting of the posting date.

2. In the circumstances, the order of the court below is set aside. The court below is directed to permit the petitioner to further proceed with the matter. The revision petitioner shall appear before the JFCM-V (Special Court for Mark list cases), Thiruvananthapuram on 30-7-2007. The court below shall issue fresh summons to the accused.

The Crl.A. is allowed.

K.R.UDAYABHANU,
JUDGE.

Kvm/-

K.R.UDAYABHANU, J.

CRL.A. 277/1999

JUDGMENT

22-6-2007.